UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,525	06/27/2000	Humberto C. Portillo	10722-31970	4943

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MORRIS MANNING & MARTIN LLP
1600 ATLANTA FINANCIAL CENTER
3343 PEACHTREE ROAD, NE
ATLANTA, GA 30326-1044

EXAMINER
MILEF, ELDA G

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/604,525	PORTILLO ET AL.
Office Action Summary	Examiner	Art Unit	
	Elda Milef	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11/08/2005*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *16,18-42,44-68,70-92,94-116,118-138 and 140-159* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *16,18-42,44-68,70-92,94-116,118-138 and 140-159* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

1.   Claims 16,18-26, 28-39, 41-42, 44-52, 54-65, 67-68,

70-76, 78-89, 91-92, 94-100, 102-113, 115-116, 118-123, 125-136,

and 138, 140-158 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Conklin (US 6,141,653), in view of Business

Wire article (09889724 from Dialog file 148).

Conklin discloses an online commerce system including a

buyer and seller (Abstract, Summary, Figs. 1), providing a money

transfer system connected with at least the seller computer

(Figs. 2b, 2c, 3(Community of Commerce), Fig. 7, figs. 11a-1

through 11a-3, fig.12 (payment), Fig. 30 (request for a wire-

transfer), the money transfer system connected for electronic

commerce communications with one or more payment locations

associated with the money transfer system having payment

location local computers (col. 31, lines 9-36; col. 26, line 43-

col. 27 line 32, Figs. 1, 27, 30), effecting a payment from a
buyer to a seller (Fig. 2c; wire transfers, col. lines 51-65;
col. 25, lines 55-59; col. 27, lines 14-25),

receiving at the money transfer system an electronic
payment request from the seller computer in response to a
proposed transaction (e.g., col. 26, lines 1-56, Fig. 9) between
the buyer and the seller (col. 31, lines 11-25), seller has a
web site, col. 28, lines 9-36; col. 27, lines 5-31), the payment
request comprising information including at least a transaction
amount (col. 31, lines 10-34),

determining by the money transfer system a preliminary
total amount required from the buyer in connection with the
transaction comprising at least the transaction amount (-see
fig. 1g ("prices" 50; "catalog prices" (in Propose Orders box);
"Order activity").

determining by the money transfer system a grand total
amount based upon the preliminary total amount any other
applicable charges (taking into account any discounts, col.25,
lines 41-59; col. 31, lines 40-54; Fig. 16("Total");Fig. 30
"Details of Charges" 71 A .

communicating information from the money transfer system
to the seller computer system for displaying at least the grand
total amount and the unique transaction number to the buyer

computer system (col. 31, lines 41-45; col. 32, lines 1-16; the

seller has a computer and is negotiating online with the buyer,

the seller also knows whether there will be a discount and what

the shipping and handling charges are therefore the seller would

see the total amount on their computer display and know what

amount the buyer will be responsible for whether using cash to

get a wire transfer or using a form of cash as in electronic

cash, cols. 26-32; also the seller is notified by email, col.

25, line 60-col. 26, line 19, especially col. 25, line 64-col.

26, line Fig. 16; 535,Fig. 7),

    in response to receipt at the money transfer system of

information from a payment location that payment in the amount

of the grand total amount has been received at the payment

location (Figs. 7, 8, 12,16) and("the present invention enables

the use of internationally accepted payment methods and

automates the negotiation of them, along with the negotiation of

the overall agreement. The payment vehicle most commonly used

when the buyer and the seller are complete strangers to each

other is the letter of credit(L/C). In a proposed letter of

credit, such as that shown in FIG. 16, the buyer's bank assumes

the full credit risk, and is absolutely <u>obligated to pay the</u>

<u>seller</u>… The present invention enables, as part of the

negotiations process, the negotiation of the terms of a letter

of credit as seen in FIG. 16.   The letter of credit shown there,

if accepted by the deciding entity DE as part of the

negotiations, can be transmitted over a SWIFT compatible network

to the advising bank, for immediate implementation.   Thus, if

the participants are unwilling to pay using credit cards or

CYBERCASH.TM. payment methods, (which are essentially cash

payments in advance) a seller can still activate a Website

automatically and take volume orders if it is willing to

negotiate letters of credit, wire transfers, documentary

collection procedures or to accept a buyer's purchase order...

Documentary collection payment methods, purchase order payment

methods, procurement cards and similar methods can also be used

and negotiated using the present invention.")-see col. 26, line

65-col 27, line 30.

communicating a message to the seller computer system that

payment has been actually made at a payment location (Figs. 7-8,

16); and

effecting completion of the transaction by making payment

via the money transfer system to the seller (col. 17, lines 39-

56; 575, 580, 585, 590, Fig.8, col. 26, line 65- col. 27, line

30), as specified in claims 16, 42, 68, 92, 116, 138.

wherein the payment location local computer is a stand

alone computing system with money transfer capabilities (buyer

can user cards, or electronic cash from their computer, col. 27,
lines 14-31; or computer can be at the bank where a wire
transfer takes place), as specified in claims 18, 44, 70, 94,
118, 140;

wherein payment to the seller comprises the grand total
amount expressed in the local currency (usd, Fig. 11a-1) of the
seller, less any applicable transaction fees (shipping fees,
Fig. 7; discounts, col. 25, lines 41-59; commissions, Fig. 11a-
2, 11a-3), as specified in claims 19, 45, 71, 95, 119, 141;

determining a buyer local exchange rate (Fig. 30) for the
preliminary total amount based upon buyer information (Fig. 13;
col. 25, lines 43-59; currency conversion, col. 6, lines 51-65)
provided from the buyer computer system to the seller computer
system, and thence to the money transfer system (sponsor or
Internet), as specified in claims 20, 46

wherein the buyer information comprises buyer address
information including a country (Fig. 20; Figs. 13, 27; using
international payments, col. 25, lines 55-59; col. 26, lines 59-
65; Figs. 5b, 15-16), as specified in claims 21; 47, 72, 96,
120, 142;

determining the grand total amount (Fig.7) expressed in
the local currency of the buyer (Fig. 30) based on the
determined buyer local exchange rate (usd, Fig. 11a-1, Fig. 13;

col. 25, lines 43-59; currency conversion, col. 6, lines 51-65),

as specified in claims 22, 48;

wherein the seller computer displays a plurality of

selectable payment methods for selection by the buyer in

connection with transaction (530, Fig. 7; col. 27, line 65-col.

28, line 9), the payment method including a cash payment method

(e.g., col. 27, lines 14-25; or Fig. 2), and wherein the payment

request is generated by the seller computer system in response

to selection by the buyer of the cash payment method, as

specified in claims 23, 49, 73, 97, 121, 143;

wherein the payment request information includes

information selected from the group comprising: buyer

identification information, seller identification information,

seller order number, transaction date, a summary of items

purchased, purchase price, shipping charges, and total price

(Figs. 13, 27; col.25, lines 41-59; col. 26, lines 59-65; Figs.

5b, 15-16), as specified in claims 24, 50, 74, 98, 122, 144;

wherein the preliminary total amount comprises the sum of

the transaction amount, shipping charges and any applicable

transaction fees (col. 31, lines 40-54; 525, Fig. 7), as

specified in claims 25, 51, 75, 99, 123, 145;

generating a unique data record corresponding to the

payment request and storing the data record in a staging area

associated with the money transfer system (unique IDs for

transactions, col. 21, lines 39-45; ; Figs. 15-23, especially

Figs. 15a, 16, 30; purchase order numbers, Fig. 11a-1, 12; 570,

Fig. 8; col. 20, lines 1-5; lines 57-63), as specified in claims

26, 52, 76, 100, 116, 146;

determining a seller local exchange rate for the funds due

to the seller based upon seller information provided by the

seller computer, and determining a grand total amount expressed

in the local currency of the seller, based upon the grand total

amount and the determined seller local exchange rate, less any

applicable charges (usd, Figs. 11, Fig. 13; col. 25, lines 43-

59; currency conversion, col. 6, lines 51-65), as specified in

claims 28, 54, 78, 92, 102, 125, 116, 147;

determining whether an amount associated with the

transaction exceeds a predefined compliance limit (threshold of

authorization, col. 15, lines 18-25; col. 20, lines 1-4), and

requesting additional information from the buyer in response to

a determination that said amount exceeds the predefined

compliance limit (also reads on the negotiating process where

the buyer is being outbid, col. 19, lines 58-67; cols. 20,

25-26, 30-31), as specified in claims 29, 55, 79, 103, 126, 148;

in response to information from a payment location local

computer that payment in the amount of the grand total amount

has been received at the payment location, communicating a Money

Transfer Control Number (MTCN) to the payment location for

provision to the buyer ("buyer will be notified, Fig. 16; or see

Figs. 15a, 17, 20-21), as specified in claims 30, 56, 80, 104,

127, 149;

proviCDing a receipt to the buyer at the payment location,

the receipt bearing at least the MTCN ("buyer will be notified,

Fig. 16; or see Figs. 15a, 17, 20-21), as specified in claims

31, 57, 81, 105, 128, 150;

wherein the payment made by the buyer at the payment

location is by cash, credit card, or check (530, Fig. col.

27, line 65-col. 28, line 9 or col. 27, lines 14-25 or Fig. 2),

as specified in claims 32, 58, 82, 106, 129, 151;

wherein the information provided step of

communicating information to the seller computer system for

displaying to the buyer computer system includes instructions to

the buyer that payment in the grand total amount should be

tendered to a payment location (Figs. 15 C-1, 15 C-2; "buyer

will be notified, Fig. 16; Figs. 17, 19, 21 and respective

disclosure), as specified in claims 33, 59, 83, 107, 130, 152;

wherein the information provided in the step of

communicating information to the seller computer system for

displaying to the buyer computer system includes information as

to a plurality of payment locations at which actual payment may

be tendered (plurality of sponsors or banks for wire transfer or

see 530, Fig. 7; col. 27, line 65-col. 28, line 9; or col. 27,

lines 14-25; or Fig. 2), as specified in claims 34, 60, 84, 108,

131, 153;

wherein a payment gateway is positioned to communicate

information between the seller computer and the money transfer

system (e.g., sponsor, Fig. 4a; bank, col. 27, lines 14-31), as

specified in claims 35, 61, 85, 109, 132, 154;

canceling the transaction if the buyer does not make

payment at a payment location within a predetermined time period

(not responding to a negotiation would lead to canceling an

order, col. 25, line 60-col. 26, line 197 expiration date, Fig.

16), as specified in claims 36, 62, 86, 110, 133, 155;

wherein the payment request includes an order number

provided by the seller computer (unique Ids for transactions,

col. 21, lines 39-45; Figs. 15-16; purchase order numbers, Fig.

11a-1, 12), as specified in claims 37, 63, 87, 111, 134, 156;

wherein the seller is a merchant and operates an Internet-

accessible web site for conducting transactions with buyer

computers (04, Figs. 1; col. 17, lines 13-35; col. 18, lines 38-

46; col. 28, lines 9-36), as specified in claims 38, 64, 88,

112, 135, 157;

accessing information stored at the money transfer system

including the grand total amount due from the buyer, response

to receipt of a message from a payment location including the

unique confirmation number, and communicating the grand total

amount to the payment location accessing data, (e.g., 570, Fig.

8; col. 20, lines 1-5; lines 57-63), as specified in claims

41, 67, 91, 115.

In Conklin, when a seller accepts a purchase order (Figs.

18, 21) the seller is essentially requesting a "necessary

payment" (Fig. 18) and generates a unique transaction number

(numbers associated with wire transfer, Fig. 30; or purchase

order numbers, Figs. 18, or 21). However, Conklin does not

explicitly disclose assigning by the money transfer system

a unique transaction number to the payment request, as specified

in claims 16, 42, 68, 92, 116, and 138. The Business Wire

article however, teaches ("The seller initiates contact with I-

ESCROW, then fills out a simple order form. I-ESCROW assigns a

transaction identification number and a seller password after

the seller submits the completed form…the buyer verifies the

purchase…and instructs I-Escrow to release the funds to the

seller.")-see p. 2, para. 3. Therefore, it would have been

obvious to one having ordinary skill in the art at the time the

invention was made to modify Conklin to include assigning a

transaction identification number as was shown by the Business
Wire article in order to provide the escrow service and the
seller with a method of tracing the payment activity of a
transaction.

Conklin fails to particularly call for wherein the seller
is a seller on an online auction system, as specified in claims
39, 65, 89, 113, 136, 158;

The Business Wire article (09889724 from Dialog file 148)
teaches wherein the seller is a seller on an online auction
system (using Ebay), as specified in claims 39, 65, 89, 113,
136, 158. It would have been obvious to one having ordinary
skill in the art at the time the invention was made to modify
Conklin to include a seller using an auction process as was
shown by Business Wire in order to reach a large amount of
potential buyers and gives the seller the opportunity to receive
a competitive price for the items for sale.

It is obvious that Conklin can include an auction process
since Conklin already discloses a negotiating process (Conklin:
col. 19, lines 60-64) and therefore the prices are already
variable. Making it an auction could generate even higher
prices for the sellers.

Claim Rejections - 35 USC § 103

2.   Claims 27, 40, 53, 66, 77, 90, 101, 114, 124, 137,159
are rejected under 35 U.S.C. 103(a) as being unpatentable over
the combination of Conklin and the Business Wire article sited,
as set forth above, in view of Godwin (Travel Weekly, v44, pg
19(2), #02472750 from file 148).

Conklin fails to particularly call for storing the data
record in a payment confirmation queue in response to receipt of
the information from the payment location that payment has been
actually made at the payment location, as specified in claims
27, 53, 77, 101, 124; and

maintaining device queue records comprising lists of
messages awaiting delivery, messages currently being delivered,
and messages awaiting confirmation of delivery, as specified in
claims 40, 66, 90, 114, 137, 159.

Godwin teaches using queues for payments -see p. 2, pars.
3-8. ("The cruise lines keep tabs on other agent activity
besides bookings, by checking the queues frequently…Besides the
confirmation queue, there are the option payment and final
payment queues and the cancellation queue…If the deposit has not
arrived by two days before the due date, the agency's PNR

appears in the cruise line's option <u>payment queue</u> and a <u>message</u>

goes into the agency's queues as well. If the payment also does

not show up on the due date, the PNR will be dropped into the

expired option queue…The final payment queues work in the same

way, giving notice to the shipline and the agency two days

before money is due and dropping the PNR into the expired final

payment queue…")

It would have been obvious to one of ordinary skill that

because Conklin discloses proposed orders "pending", (Conklin:

col. 20, lines 57-61), accessing stored records (Conklin: Fig.

8) and using email (Conklin: Fig. 7), that it would have been

obvious to use a memory labeled as a buffer or a queue for

helping when there is network traffic and a source cannot send

the messages at the present time, especially since Conklin uses

emails (e.g., Conklin: Figs. 11, or 18-23) which have queues.

Response to Arguments

3.   Applicant's arguments with respect to claim 16, 18-42,

44-68, 70-92, 94-116, 118-138, 140-159 have been considered but

are moot in view of the new ground(s) of rejection.

Conclusion

4.   Applicant's amendment necessitated the new ground(s)

of rejection presented in this Office action. Accordingly, **THIS**

ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is
reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action
is set to expire THREE MONTHS from the mailing date of this
action. In the event a first reply is filed within TWO MONTHS
of the mailing date of this final action and the advisory action
is not mailed until after the end of the THREE-MONTH shortened
statutory period, then the shortened statutory period will
expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated
from the mailing date of the advisory action. In no event,
however, will the statutory period for reply expire later than
SIX MONTHS from the date of this final action.

5.   The prior art made of record and not relied upon is
considered pertinent to applicant's disclosure.

US Patent No. 5,897,621 (Boesch et al.)- cited for system
and method for multi-currency transactions.

US Patent No. 6,356,878 (Walker et al.)- cited for
conditional purchase offer buyer agency system.

Prince, Dennis L. "Auction This! Your Complete Guide to the
World of Online Auctions", (Prima Publishing. 1999)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday - Friday 9:15 am to 5:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

* * *

HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600